

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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| IN RE LEHMAN BROTHERS SECURITIES               | :                         |
| AND ERISA LITIGATION                           | :                         |
|  | :                         |
| This Document Applies To:                      | :                         |
| <i>In re Lehman Brothers ERISA Litigation,</i> | : Civil Action 09 MD 2017 |
| 08 Civ. 5598 (LAK)                             | :                         |
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the annexed declaration of Jonathan K. Youngwood, Esq., sworn to on February 13, 2009, and the exhibits attached thereto, and the accompanying Memorandum of Law, individual Defendants in the above-captioned action will move before the Honorable Lewis A. Kaplan, United States District Judge, United States District Courthouse, 500 Pearl Street, New York, New York 10007, on April 3, 2009, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order, pursuant to Federal Rules of Civil Procedure 8(a), 9(b) and 12(b)(6), dismissing with prejudice Plaintiffs' Consolidated Amended Complaint.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Court's approval at the January 8, 2009 conference and as agreed by the parties, (1) Plaintiffs' Opposition will be filed on or before March 19, 2009 and (2) Defendants' Reply will be filed on or before April 3, 2009.

Dated: New York, New York

Respectfully submitted,

**SIMPSON THACHER & BARTLETT LLP**

By: /s/ Jonathan K. Youngwood

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